

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BWI TAXI MANAGEMENT, INC.,

Employer,

and

5-RC-16489

EVENING SHIFT CAB OPERATORS
ASSOCIATION,

Petitioner.

MOTION FOR LEAVE TO FILE A BRIEF, *AMICUS CURIAE*

The American Federation of Labor and Congress of Industrial Organizations moves for leave to file the accompanying brief, *amicus curiae*. The AFL-CIO is a federation of 56 national and international labor organizations with a total membership of approximately 11.5 million working men and women.

The issue before the National Labor Relations Board in this case is whether the drivers engaged by BWI Taxi Management, Inc. (“BWI Taxi”) to drive taxis at the Baltimore/Washington International Thurgood Marshall Airport are “employees” or “independent contractors” within the meaning of Section 2(3) of the National Labor Relations Act, 29 U.S.C. § 152(3). The Regional Director applied the common-law agency test and determined that the drivers are “employees.” The correct application of the common-law agency test in this context is an important issue, which the AFL-CIO has previously addressed in other cases in which it has participated as *amicus curiae*, including *Roadway Package System, Inc.*, 326 NLRB 842 (1998).

The AFL-CIO has a continuing interest in ensuring that persons who are properly classified as “employees” are not denied the protections of the Act. The AFL-CIO therefore respectfully requests that the Board grant leave for the AFL-CIO to file the accompanying brief, *amicus curiae*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on December 22, 2010, I caused to be served a copy of the foregoing Motion for Leave to File a Brief, *Amicus Curiae* by email on the following:

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